

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
BEFORE THE HONORABLE ROBERT C. JONES, DISTRICT JUDGE  
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KEVIN PHILLIPS, an individual, :  
Plaintiff, : No. 3:12-CV-344-RCJ-WGC  
-vs- : January 26, 2015  
C.R. BARD, INC., a foreign corporation, et al., : Reno, Nevada  
Defendants. :

## **TRANSCRIPT OF OPENING STATEMENTS**

## APPEARANCES:

FOR THE PLAINTIFF: RAMON R. LOPEZ and TROY A. BRENES  
Attorneys at Law  
Newport Beach, California

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FOR THE DEFENDANTS: RICHARD B. NORTH, JR., and  
MATTHEW B. LERNER  
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Reported by: Margaret E. Griener, CCR #3, FCRR  
Official Reporter  
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(Appearances continued on page 2.)

1 needed this filter and why the complications occurred.

2 And then I want to describe briefly the plaintiff's  
3 burden. As I said, they have the burden of proof, and the  
4 elements they have to show, and what the evidence says as to  
5 each of those elements.

6 And then I want to try to put several accusations  
7 you just heard in context, not just the sound bite, and tell  
8 you the whole story.

9 Who are the defendants? C.R. Bard is a developer  
10 and manufacturer of medical devices in various fields,  
11 vascular, urology, oncology, surgical specialty, just to name  
12 a few, biopsy products.

13 Bard Peripheral Vascular is located in Tempe, as I  
14 said. They developed the filters, they make some stints.  
15 They are one of the leading manufacturers in the country of  
16 breast cancer biopsy products to help doctors in their  
17 diagnoses.

18 But Bard is not a corporate facility. It is not  
19 some huge, big building of profit takers as the plaintiff's  
20 evidence and sound bites would have you think.

21 Bard is made up of men and women who have studied,  
22 who are engineers, marketing specialists.

23 Janet Hudnall, who you will hear from, she was the  
24 marketing director for this product for a period of time.  
25 Even she, as a marketing person, had a degree in biology from